

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

PENNSYLVANIA STATE CONFERENCE
OF THE NAACP, *et al.*,

Plaintiffs,

v.

LEIGH M. CHAPMAN, Acting Secretary of
the Commonwealth, *et al.*,

Defendants.

Case No. 1:22-cv-339

BETTE EAKIN, *et al.*,

Plaintiffs,

v.

ADAMS COUNTY BOARD OF
ELECTIONS, *et al.*,

Defendants.

Case No. 1:22-cv-340

**PHILADELPHIA COUNTY BOARD OF ELECTIONS' POSITION
STATEMENT ON CASE SCHEDULING**

Pursuant to this Court's January 9, 2023, Briefing Orders in the above-captioned actions, the Philadelphia County Board of Elections ("Philadelphia County") respectfully submits this position statement on case scheduling. Philadelphia County's positions can be distilled to four points:

1. The case schedules should be expedited to the fullest extent practicable to ensure a prompt resolution of the important legal issues raised in these cases. An expedited schedule will best ensure that the County Boards of Elections have prompt judicial guidance for future elections on how to handle timely received mail-in and

absentee ballots from qualified voters that are submitted in undated or “incorrectly” dated outer return envelopes.

2. The case schedules should be expedited at a pace that allows this Court to finally resolve all disputed claims and defenses before May 16, 2023—the date of Pennsylvania’s municipal primary election.

3. In light of the foregoing points, Philadelphia County endorses the case schedule that Plaintiffs in the 22-cv-339 action have proposed. (*See* Dkt. No. 198-1.)

4. The schedules for these two related litigations should be the same. Proceeding on parallel tracks will increase litigation efficiencies and decrease duplicative work for the parties, the Court, and counsel. Separate scheduling tracks would needlessly burden Philadelphia County.

Dated: January 20, 2023

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